

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

| | | |
|---------------------------|---|-----------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff and |) | |
| Counterclaim Defendant |) | |
| |) | |
| v. |) | 1:10-cv-435-JAW |
| |) | |
| GLENN A. BAXTER, |) | |
| |) | |
| Defendant and Counter |) | |
| Claimant |) | |

**ORDER GRANTING MOTION
TO SUBSTITUTE NAME OF FILING PARTY**

The United States of America commenced this civil action by complaint filed October 25, 2010, subsequently amended by amended complaint filed November 5, 2010. Assistant United States Attorney (AUSA) Evan Roth signed the original complaint and represented that the matter proceeded at the direction of U.S. Attorney Thomas Delahanty II. The amended complaint identified former acting U.S. Attorney Paula Silsby as supervising attorney in its preamble (an obvious typographical error), but was signed by AUSA Roth under U.S. Attorney Delahanty's name, like the original complaint. In an answer and counterclaim filed November 18, 2010, Defendant Glenn A. Baxter alleged past litigation between himself and U.S. Attorney Delahanty. (Doc. No. 8 at 2, ¶ 3.) On December 2, 2010, AUSA Roth signed a motion requesting that Richard A. Murphy, "Attorney for the United States Acting Under Authority Conferred by 28

U.S.C. § 515,"¹ be substituted as supervising attorney in place of USA Silsby and USA Delahanty.

In response to the motion to substitute, Mr. Baxter alleges "chicanery" by U.S. Attorney Delahanty and perjury on the part of AUSA Roth, but otherwise states that he has "no objection to Mr. Murphy . . . being assigned to act as the U.S. Attorney in this matter." Accordingly, the motion is granted and the prosecuting attorneys representing the United States in this matter are Attorney Richard Murphy and Assistant U.S. Attorney Evan Roth.

So Ordered.

December 13, 2010

/s/ Margaret J. Kravchuk
U.S. Magistrate Judge

¹ For a discussion of 28 U.S.C. § 515, see United States v. Libby, 429 F. Supp. 2d 27, 29-33 (D. D.C. 2006) (reflecting that statute is often used to avoid conflicts of interest).